

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SCOTT KELLY HANSEN,

Plaintiff,

vs.

Case No.: 2:12-cv-773

JUDGE SMITH

Magistrate Judge Deavers

DIRECTOR, O.D.R.C., *et al.*,

Defendants.

ORDER

On April 24, 2014, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Defendants' Motion for Summary Judgment be **GRANTED**. (Doc. 32). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff Hansen's Objections to the *Report and Recommendation*. (See Doc. 33). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present the same issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff initiated this case and objects based on his claim that Defendants have been deliberately indifferent to his safety needs. The Magistrate Judge recognized that Plaintiff has established that he faces a serious risk of harm if he is returned to prison in Ohio, including that Plaintiff has been placed in the federal witness protection program. However, the Magistrate Judge concluded, and this Court agrees, that Plaintiff has not provided sufficient evidence to indicate that Defendants' current plan of action

is an unreasonable response to the potential threat he faces. (*Report and Recommendation* at 8-9). Plaintiff objects to Defendants' plan of action based on the representation that it may occur at some point in the future, but not that the ODRC will actually protect Plaintiff from the identified threats. The Court disagrees. The ODRC represents that they cannot begin the process for protective control until Plaintiff is in their custody. But once he is, they "will take whatever steps are prudent to protect him." (Wittrup Decl. ¶ 8).

For the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, Document 32, is **ADOPTED** and **AFFIRMED**. Defendants' Motion for Summary Judgment is hereby **GRANTED** and final judgment shall be entered in favor of Defendants.

The Clerk shall remove Documents 29 and 32 from the Court's pending motions list. The Clerk shall terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT